

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

DEAN F. O'NEIL

PLAINTIFF

v.

Civil No. 06-3055

STATE OF ARKANSAS;
COUNTY OF BOONE; and
GORDON WEBB, Boone
County Prosecuting Attorney

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Dean F. O'Neil filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 on September 5, 2006. The complaint was provisionally filed prior to a determination regarding O'Neil's status as a pauper (Doc. 2). O'Neil was provided with an *in forma pauperis* (IFP) application for completion (Doc. 2). O'Neil was directed to complete and return the IFP application by October 2, 2006 (Doc. 2).

O'Neil has not responded to the court's order. The court's order was not returned as undeliverable. O'Neil has not sought an extension of time to complete the IFP application, submitted the filing fee to the court, or otherwise communicated with the court regarding the order.

I therefore recommend O'Neil's complaint be dismissed on the grounds he has failed to obey an order of this court. *See* Fed. R. Civ. P. 41(b). **O'Neil has ten days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. O'Neil is reminded that objections must be both timely and specific to trigger de novo review by the district court.**

Dated this 13th day of November 2006.

/s/ Beverly Stites Jones
UNITED STATES MAGISTRATE JUDGE